

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Adrian J. Polansky, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David L. Pope, Chief Engineer

IN THE MATTER OF THE
DISMISSAL OF APPLICATION
FILE NO. 45,973

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on June 23, 2004, the Chief Engineer received an application for permit to appropriate water for beneficial use, assigned File No. 45,973, proposing the appropriation of 100 acre-feet of water at a maximum requested diversion rate of 800 gallons per minute, for irrigation use, from one (1) well in the Southwest Quarter (SW¼) of Section 3, Township 24 South, Range 3 West, Harvey County, Kansas.
2. That on September 10, 2004 a copy of the application was submitted to the Equus Beds Groundwater Management District No. 2 (GMD No. 2) for their review and recommendation. That on September 20, 2004, the District requested a 30 day extension to review this application and that request was granted on September 22, 2004.
3. That the application is subject to the Equus Beds Aquifer Revised Management Program, District Rules and Regulations, Burrton Intensive Groundwater Use Control Area (IGUCA) order, and the April 13, 2004, application processing water quality criteria adopted by the Board of Directors. This criteria states, in part, that applications filed for proposed points of diversion located down gradient of the maximum contamination areas of the saltwater plumes shall not be recommended for approval.
4. That on October 19, 2004, the Equus Beds Groundwater Management District No. 2 recommended that the application be denied for non-compliance with a) the Board of Directors, April 13, 2004 criteria prohibiting points of diversion located down gradient of identified saltwater contamination area; b) the Well Spacing Regulation 5-22-2, and c) the water quality data requirement.
5. That on November 23, 2004, a letter was sent to the applicant stating that the application would be recommended for denial to the Chief Engineer for failure to comply with a) the Board of Directors, April 13, 2004 criteria prohibiting points of diversion located down gradient of identified saltwater contamination area; b) the Well Spacing Regulation 5-22-2, and c) the water quality data requirement.. The letter allowed the applicant an opportunity to consult with the District or submit additional information to the Chief Engineer to show why this evaluation should be reconsidered by the December 7, 2004, deadline, or any authorized extension thereof.

MAY 7 6 2004

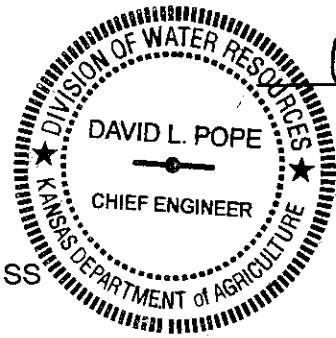
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Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

Dated this 9th day of May, 2005.

David L. Pope

David L. Pope, P. E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture



State of Kansas)
County of Shawnee)

The foregoing instrument was acknowledged before me this 9th day of May, 2005, by David L. Pope, P. E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Debra L. Mendez

Notary Public

Debra L. Mendez

Notary Public
State of Kansas



My Appt. Expires 5/13/06

Notary Public
State of Kansas

MAY 26 2005

Division of Water Resources
Kansas Department of Agriculture

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